

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|------------------|---|------------------------|
| KENARD PITNEY, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | CIVIL ACTION |
| CITY OF CHESTER, | : | DOCKET NO. 2:19-cv-799 |
| | : | |
| Defendant. | : | |

ORDER

AND NOW, this ____ day of _____, 2020, upon consideration of Plaintiff's Motion to Compel Response to Plaintiff's Request for Production of Documents, Defendant's Response to same, and Defendant's Motion for Extension of Time to Respond to Plaintiff's Written Class Discovery Requests and All Other Deadlines, it is hereby **ORDERED** as follows:

(1) Plaintiff's Motion to Compel Response is **DENIED**.

(2) Defendant City of Chester's Motion for Extension of Time is **GRANTED**, and Defendant shall respond to all written class discovery requests provided by Plaintiff to date, no later than July 10, 2020.

BY THE COURT:

Honorable Paul S. Diamond

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| KENARD PITNEY, | : | |
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| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | CIVIL ACTION |
| CITY OF CHESTER, | : | DOCKET NO. 2:19-cv-799 |
| | : | |
| Defendant. | : | |

**DEFENDANT CITY OF CHESTER’S REPLY TO PLAINTIFF’S MOTION
TO COMPEL RESPONSE TO PLAINTIFF’S
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant City of Chester by and through their attorneys, MacMain,
Connell & Leinhauser, LLC, hereby respond to Plaintiff’s Motion to Compel, and
aver as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied as stated. By way of further answer, Plaintiff’s discovery requests do not comport with the identification of the proposed class identified in Plaintiff’s Amended complaint, and as such, has created an issue where the information requested is responsive to the investigation and identification of the proposed class. Plaintiff’s counsel was contacted regarding this matter and

admitted that the proposed class in the Amended Complaint did not match the definition in the discovery requested.

5. Denied as stated. By way of further answer, Plaintiff's counsel was contacted regarding the discrepancy between the parameters of Plaintiff's proposed class and the parameters of the discovery requested and acknowledged the discrepancy. Plaintiff's counsel declined to support a request for an extension (although they have not opposed one yet either). This discrepancy has created an issue where the information requested is not responsive to the proposed class.

6. Admitted.

7. Denied as stated. By way of further answer, Defense counsel's primary focus has been to effectuate a swift and complete response to Plaintiff's Request for Production of Documents, which appropriately comports with the Rules of Procedure. Defense counsel, upon confirming that the documents were unready for provision to Plaintiff as the records contain a large amount of personal, sensitive, and irrelevant information about individuals that would not qualify for the class and which requires redaction prior to provision of documents to Plaintiff, filed its Motion for Extension of Time on Monday, June 29, 2020. Additionally, Defense counsel did speak to Plaintiff's counsel on Thursday, June 25 and requested an agreement to extend the time for discovery. Plaintiff's counsel declined to take a position on that request.

8. Denied as stated. By way of further answer, Defense counsel proposed to provide documents that would respond to Plaintiff's requests, subject to the objection that the documents are (1) not aligned with the proposed class identification and (2) the request is beyond the reasonable scope of the proposed class identified in the Amended Complaint. The records obtained and being processed from the City of Chester contain a large amount of personal, sensitive, and irrelevant information about individuals that would not qualify for the class and which requires redaction prior to provision of documents to Plaintiff. Given the voluminous nature of the records with copious amounts of irrelevant and inappropriate information which would be provided in an unredacted form, Defense counsel is seeking an additional two weeks to review and appropriately redact/cull the records.

9. Admitted. Plaintiff filed its Motion for Extension of Time on Monday, June 29, 2020, after the determination was confirmed that an additional two weeks was necessary to provide appropriately culled and redacted documents to Plaintiff in response to their Request for Production.

10. Accordingly, Defendant seeks an Order in the form attached hereto.

Respectfully submitted,

**MacMAIN, CONNELL &
LEINHAUSER, LLC**

Dated: June 29, 2020

By: /s/ Brian H. Leinhauser
Brian H. Leinhauser, Esquire
Attorney I.D. No. 203945
433 W. Market Street, Suite 200
West Chester, PA 19382
*Attorney for Defendant City of
Chester*

CERTIFICATE OF SERVICE

I, Brian H. Leinhauser, Esquire, hereby certify that on this 29th day of June 2020, a copy of the foregoing *Defendant City of Chester's Reply to Plaintiff's Motion to Compel Response* was served upon the following via ECF notification:

Alan M. Feldman, Esquire
Edward S. Goldis, Esquire
Andrew K. Mitnick, Esquire
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Attorney for Plaintiff

**MacMAIN, CONNELL &
LEINHAUSER, LLC**

By: /s/ Brian H. Leinhauser
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*Attorney for Defendant City of
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